Wayland 1972

WAYLAND PUBLIC LIBRARY

WARRANT
for
SPECIAL TOWN MEETING

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OCTOBER 11, 1972

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EDA

NOTICE

On Thursday, October 5, 1972, at 8:00 P.M. the Board of Selectmen in cooperation with the Finance Committee will conduct a public hearing at the Wayland Town Office Building to review all of the subject matter and the recommendations contained in this warrant.

All voters of the Town are strongly urged to take part in this pre-Town Meeting information session. This would serve to expedite activities at the Town Meeting and provide for more knowledgeable action upon the issues being considered.

HERBERT N. ODELL, JR.
Chairman
Board of Selectmen

NEXT TOWN MEETING

Election: March 5, 1973
Town Meeting: March 7, 1973

The warrant for the Annual Town Meeting in March, 1973, closes at 4:30 P.M. on December 15, 1972. Those wishing to place articles in that warrant, either as elected Town Boards, or on petition of 10 voters, are advised to submit them to the office of the Executive Secretary by that date.

It is advisable that all articles be reviewed by Town Counsel before they are circulated for signature or formally submitted to the Selectmen. This should be done sufficiently in advance of the closing date to permit the making of any necessary corrections.

This practice will save a great deal of effort through an adverse ruling after the deadline. Townspeople are urged and forewarned to take advantage of this procedure.

WARRANT FOR SPECIAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.
To any of the Constables of the Town of Wayland, in said County:

Greetings:
In the name of the Commonwealth you are required to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet in the High School Field House on

WEDNESDAY, OCTOBER 11, 1972

at 7:45 P.M., then and there to act on the following articles:

ARTICLE 1. To see if the Town will vote to appropriate a sum or sums of money for the operation and expenses of any or all of the following departments:

GENERAL GOVERNMENT

SELECTMEN - Expense
TOWN COUNSEL - Professional Services
ELECTIONS - Officers Salaries-Expense
CONSERVATION COMMISSION - Expense-Capital Planning Committee

PROTECTION

POLICE - Overtime Pay - Court Time

HIGHWAY

Care of Dump
Drainage, Miscellaneous

Equipment, Miscellaneous
Reconstruction - Beech Road

SCHOOLS

Committee - Legal Expense

UNCLASSIFIED

Town and Finance Committee Reports

WATER

Test Wells

to determine whether such appropriation shall be provided by taxation, by appropriation from available funds, by transfer of funds already appropriated for another purpose, by borrowing under the provisions of Chapter 44 of the General Laws, or otherwise; and to determine what town officer, board, or committee or combination of them shall be authorized to expend the money appropriated therefor; or take any action relative thereto.

RECOMMENDATION:

This is the usual article introduced by the Finance Committee to cover overruns and unusual expenses on the part of various departments. At this time the Finance Committee proposes to recommend appropriations as follows:

GENERAL GOVERNMENT	
SELECTMEN - Expenses	1,750.00
TOWN COUNSEL - Professional Services	2,500.00
ELECTIONS - Officers Salaries	4,000.00
Expense	750.00
CONSERVATION COMMISSION - Expense	1,000.00
Capital Planning Committee	2,000.00
PROTECTION	
POLICE - Overtime Pay	5,000.00
Court Time	1,300.00
HIGHWAY	
Care of Dump	8,600.00
Drainage, Miscellaneous	5,500.00
Equipment, Miscellaneous	2,065.00
Reconstruction - Beech Road	1,199.95
SCHOOLS	
Committee - Legal Expense	2,500.00

UNCLASSIFIED

Town and Finance Committee Reports	1,500.00

WATER

Test Wells	12,000.00

The Town is defending two serious items of litigation, one against the School Department and one against the Assessors. A preliminary transfer is made herewith in connection with the School Department, although the final cost to the Town, if not covered by insurance, is unknown. A breakdown of the bulldozer, costing in all $7,200.00 for repairs, is the primary cause of the unusual expenditure under Care of Dumps. The Finance Committee intends to recommend that funds to cover the above total of $51,664.95 be provided for as follows, by transfer from Available Funds, (Excess and Deficiency) $39,664.95, and by transfer from Water Available Surplus $12,000.00.

The Finance Committee recommends approval of the article.

ARTICLE 2. - To see if the Town will vote to transfer a sum of money from Available Funds to the Stabilization Fund; or take any action relative thereto.

RECOMMENDATION:

This article would set aside $100,000 for possible school renovation expenditures. The School Building Planning Committee has not yet completed its studies of enrollment projections or construction alternatives to relieve possible overcrowding in some elementary schools. If the School Building Planning Committee recommends additional construction for consideration by the Town in 1973, state law requires that the Stabilization Fund appropriation be voted in the previous year, 1972, to qualify the Town for the State reimbursement of $100,000.

The Town will have the opportunity to vote on the School Building Planning Committee recommendations when they are presented. No expenditures are contemplated directly by this article, and any future expenditures will require a subsequent vote by the Town.

The Finance Committee recommends approval of the article.

ARTICLE 3. - To see if the Town will vote to transfer the sum of $925 appropriated in 1970 for "Weed Control - Lake Cochituate" under the Park and Recreation Department portion of the Budget to "Weed Control - Dudley Pond and other areas" to enable the said Department to continue programs of controlling aquatic growth; or take any action relative thereto.

RECOMMENDATION:

This article would transfer $925 remaining from the 1970 budget of the Park and Recreation Commission for use in other areas.

The work has been performed as required and the State has paid the bill without seeking funds from the Town.

The Finance Committee recommends approval of the article.

ARTICLE 4. - To see if the Town will authorize the Road Commissioners to acquire by purchase, eminent domain, gift, or otherwise, for sidewalk purposes the fee or any lesser interest in a parcel of land on Pequot Road standing in the name of Robert J. Hause and Blanche H. Hause containing 210 square feet more or less shown on Plate No. 43D of the Town Atlas as well as on a plan on file with the Town Clerk entitled "Plan of Land in Wayland, Mass. Showing Proposed Sidewalk Easement on Pequot Road, June 20, 1972, Scale 1"=40' Wayland Engineering Department," and more fully described as follows:

Beginning at a point on the easterly sideline of Pequot Road at the northwesterly corner of Lot A-5, thence;

S25-09-00 E, sixty three and 81/100 (63.81) feet, thence;

Northerly, sixty four and 80/100 (64.80) feet along a curve to the right having a radius of 106.39 feet along said easterly sideline of Pequot Road to the point of beginning;

together with any or all rights, title and interest of the owner or owners of the above-described premises in the streets and ways adjoining the same; to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from available funds, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; or take any action relative thereto.

RECOMMENDATION:

This article was inserted in the warrant by the Selectmen to see if the Town will acquire a sidewalk easement from Mr. and Mrs. Hause required in connection with the new sidewalk on Pequot Road. Although it was the policy of the Town to layout the sidewalk on town owned right of way, in this instance a diversion of the sidewalk out of the right of way was made at the request of Mr. and Mrs. Hause to save a tree in front of their house. The owners have already given the Town temporary permission to build the sidewalk and are agreeable to granting the Town an easement at the nominal cost of one dollar.

The Finance Committee recommends approval of the article.

ARTICLE 5. - To see if the Town will express disapproval or the amount of debt authorized by the regional district school committee of the Minuteman Regional Vocational Technical School District on or about September 15, 1972, for constructing and equipping a regional vocational technical high school; or take any action relative thereto.

RECOMMENDATION:

This article is submitted by Wayland's member of the School District Committee of the Minuteman Regional Technical Vocational School and the Selectmen.

As has been the practice at each major step of the design and construction program, the Town has had the opportunity to reaffirm its commitment to the District. The District has now completed the design program previously authorized through its member Towns, including Wayland, and will have received final construction bids prior to the beginning of this special Town Meeting. A vote for disapproval under this article will reconfirm the authority of the District to borrow approximately $12,900,000. for the construction purposes.

The Finance Committee recommends a vote in favor of the borrowing through disapproval of this article.

ARTICLE 6. - To see if the Town will vote to appropriate a sum of money for an expert appraisal of taxable property in accord with the provisions of G.L. Chapter 40, Section 4; to determine whether such appropriation shall be provided by taxation, by appropriation from available funds, by transfer of funds already appropriated for another purpose, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; and to determine what town officer, board or committee or combination of them shall be authorized to expend the money appropriated therefor; or take any action relative thereto.

RECOMMENDATION:

This article is submitted by the Board of Assessors. It contemplates the hiring of a professional real estate appraisal firm at a one-time cost of approximately $65,000 with subsequent annual reviews to cost an average of approximately $2,000. Although the motion did not carry affirmatively when presented to the March Town Meeting, it is re-submitted to the Town at this time as the direct result of a court suit filed against the Town by a group of taxpayers. That suit, should it be successful, would require the Town to re-assess all real property at full and fair cash value, frequently called "100 % valuation." This would be accomplished through court order and under direct court control; the completion of the re-evaluation program would be reflected in the tax bills received by taxpayers in 1974.

The Town's interests would best be served by responding to the litigation in a fashion which minimizes the court's involvement in the affairs of the Town. Professional revaluation, in the opinion of the Finance Committee, would fulfill that objective.

Revaluation by a professional firm will require at least two years to complete and will involve a visit to every home and a measurement of each house. If a taxpayer is concerned with the preliminary valuation, he will have the opportunity to review the matter with the Assessors in an individual session. Even though the work is performed by an outside firm the Wayland Assessors will still be ultimately responsible for the actual assessment.

The revaluation will provide an inventory of up to date information about each building and parcel in Town which can be used by the Assessors for future review and recording of sales. As a direct result, no additional Town personnel are anticipated to be needed in the future. The Assessors expect, however, that during the revaluation program their work burden to be substantially larger as they review the work performed by the firm. The Assessors will report fully on the matter at Town Meeting.

The Finance Committee recommends approval of the article.

ARTICLE 7. - To see if the Town will vote to appropriate the sum of $7,500.00 for the purchase of a new sidewalk plow; to determine whether such appropriation shall be provided by taxation, by appropriation from available funds, by transfer of funds already appropriated for another purpose, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; and to determine what town officer, board or committee or combination of them shall be authorized to expend the money appropriated therefor; or take any action relative thereto.

RECOMMENDATION:

This article was submitted by the Highway Department. With the addition of the additional sidewalks now to be used by school children, an additional plow is required.

The Finance Committee recommends approval of the article.

ARTICLE 8. - To see if the Town will vote to appropriate a sum of money to be used in conjunction with funds previously appropriated to repair, to relocate and to place the historic Mellen Law Office Building on a slab foundation; to determine whether such appropriation shall be provided by taxation, by appropriation from available funds, by transfer of funds already appropriated for another purpose, by borrowing under the provisions of Chapter 44 of the

General Laws or otherwise; and to determine what town office, board or committee or combination of them shall be authorized to expend the money appropriated therefor; or take any action relative thereto.

RECOMMENDATION:

This article was submitted by the Park and Recreation Commission. The sum of $3,000 was appropriated for moving and repair of the Mellen Law Office structure under Article 20 of the 1972 March Town Meeting. Due to the discovery of unexpected deterioration of the building, the estimated cost will now exceed the sum previously voted.

Bids are being solicited for the full project and the firm cost should be available by Town Meeting.

The Finance Committee recommends approval of the article, subject to receipt of acceptable bids.

ARTICLE 9. - To see if the Town will amend its Zoning Map by deleting the same in its entirety and by substituting therefor a map on file with the Town Clerk entitled "ZONING MAP OF THE TOWN OF WAYLAND, MASSACHUSETTS Everett M. Brooks Co. Civil Engineers-Newtonville and Wayland, Massachusetts, Jan. 1, 1971", provided, however, that the Zoning Map now in force and effect shall not be deleted as aforesaid until an affirmative vote under this Article shall have been approved by the Attorney General pursuant to the provisions of G.L. Chapter 40, Section 32; or take any action relative thereto.

RECOMMENDATION:

This article and the following article were submitted by the Planning Board. The purpose of the article is to provide the Town with an up to date edition of the zoning map. The new map makes no changes of any kind in the zoning of the Town.

The Finance Committee recommends approval.

ARTICLE 10. - To see if the Town will amend its Zoning By-Laws adopted on September 5, 1934 as the same have been amended from time to time by deleting the same in their entirety and by substituting therefor; a compilation prepared under the supervision of the Wayland Codification Committee and the Wayland Planning Board entitled "ZONING BY-LAWS OF THE TOWN OF WAYLAND includes all Amendments made and approved up to and including the Annual Town Meeting of March 3, 1971", a copy of which is on file with the Town Clerk; provided, however, that the said Zoning By-Laws shall not be deleted as aforesaid until an affirmative vote under this Article shall have been approved by the Attorney General pursuant to the provisions of G.L. Chapter 40, Section 32; or take any action relative thereto.

RECOMMENDATION:

This article provides for the adoption of a new compilation and edition of the Zoning By-Laws of the Town, following precisely the language of all prior Town Meeting votes. No changes in content is involved.

The Finance Committee recommends approval.

ARTICLE 11. - To see if the Town will amend its By-Laws by adding the following new Article:

ARTICLE 7. DOG REGULATIONS.

Section 1. No person shall own or keep in the Town any dog which, by biting, by howling or excessive barking, or in any other manner, endangers the safety of any person or disturbs the peace or quiet of any neighborhood.

Section 2. No person shall allow a dog owned or kept by him to be off the premises of such owner or keeper between the hours of 7:00 A.M. and 8:00 P.M., unless the dog is under the control of a responsible person or is held on a leash. The term "control" shall include, though not be limited to, oral or visual commands to which the dog is obedient, but the mere muzzling of a dog shall not satisfy this requirement.

Section 3. No person shall allow a dog owned or kept by him to be in any municipal building, in any place of worship or public assembly, or in any place of business or building open to the public, unless the dog is held on a leash.

Section 4. No person shall allow a dog owned or kept by him to be in a school building or on school grounds between thirty minutes before and thirty minutes after the hours when any school or recreation program is in session, or at the Town Beach at any time during the season when it is open to public use, unless the cognizant authority otherwise specifically permits.

Section 5. The dog officer shall order the restraint and/or muzzling, for a period not to exceed thirty days, of any dog which he finds, after a complaint from an identified person or through his own observation, has:

1. Bitten or threatened the safety of any person;

2. Killed or maimed any domesticated or farm animal;

3. Chased any motor, recreational, or pedal vehicle, or any animal carrying or drawing a person, upon any public or traveled way;

4. Damaged property;

5. Committed any act which places its owner or keeper in violation of a prior Section of this By-Law.

The second time the dog officer issues a restraining or muzzling order regarding the same dog on account of a repeated offense under this Section, the dog officer shall notify the Selectmen in writing so that they may take any further action.

The owner or keeper of any dog that has been ordered to be restrained or muzzled under the provisions of this Section may request the Selectmen in writing to vacate such order.

Section 6. The owner or keeper of a dog who fails to comply with this By-Law, or with any order of the dog officer issued pursuant to the provisions of this By-Law, shall be subject to the following penalties:

First offense: Warning.

Second and subsequent offenses of the same substance: Fine of not more than ten dollars in accordance with Massachusetts General Laws Chapter 140, Section 173 as amended.

In addition, for each offense the owner or keeper of the dog shall be subject to the following charges:

Reimbursement to the dog officer of his expenses for maintaining the dog, if the dog officer finds it necessary to impound the dog until its owner or keeper can be found;

Five dollars as a fee for the handling of the dog.

Before release of an unlicensed dog is made by the dog officer, he shall require that a license be secured. A late fee of one dollar shall be paid to the Town, in addition to the regular license fee, in such instance,

or take any action relative thereto.

RECOMMENDATION:

This article is inserted upon the petition of 413 citizens and calls for a change in Town By-Laws relating to the control of dogs. The law, as proposed, would not be effective until April 1, 1973. No appropriation is required at this time. Enforcement of the law, if enacted, may require the employment of a full time Dog Officer which, with related expenses, principally kennel fees, will result in an additional cost to the Town of approximately $15,000 annually. The necessary funds would be appropriated in the 1973 budget and would require the approval of the Town next March as part of the budget.

The Finance Committee makes no recommendation as to the By-Law, but does point out the additional costs involved.

ARTICLE 12. - To see if the Town will authorize the Selectmen to acquire by purchase, eminent domain, gift, or otherwise, for recreational and parking purposes the fee or any lesser interest in a vacant parcel of land with the trees thereon without frontage on a street standing in the name of Ernest, Mary E. & Sarah E. Lovell containing 0.7 acres more or less shown as containing 28,584 square feet on Plate No. 23 of the Town Atlas as well as on a plan on file with the Town Clerk entitled "PLAN OF LAND IN WAYLAND, MASS. SHOWING PROPOSED TRANSFER OF LAND TO THE TOWN OF WAYLAND, AUGUST 24, 1972 SCALE 1"=20' WAYLAND WAYLAND ENGINEERING DEPARTMENT" and more fully described as follows:

Beginning at the most northerly corner of the parcel at land of Boston Edison Co. and land of the Town of Wayland, thence;

S26-02-09 E, two hundred thirty four and 96/100 (234.96) feet by land of the Town of Wayland and other land of Sarah E. Lovell to land of Ethel Stearns, thence;

S62-42-47 W, ninety four and 05/100 (94.05) feet by land of Stearns, Coakley and Buckingham to land of the New England Telephone and Telegraph Company, thence;

N88-12-30 W, one hundred eighteen and 06/100 (118.06) feet by land of the New England Telephone and Telegraph Company to land of McManus, thence;

N08-55-40 E, ninety and 78/100 (90.78) feet, by land of McManus to land of the Hersey Realty Co., thence;

N02-59-30 E, sixty two and 86/100 (62.86) feet by land of the Hersey Realty Co., thence;

N39-34-50 E, one hundred twenty seven and 28/100 (127.28) feet, by land of the Hersey Realty Co. and land of Boston Edison Company to the point of beginning.

together with any or all rights, title and interest of the owner or owners of the above-described premises in the streets and ways adjoining the same; to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from available funds, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; or take any action relative thereto.

RECOMMENDATION:

This article is inserted in the warrant by the Selectmen to see if the Town will purchase a parcel of land containing approximately 28,000 square feet in Wayland Center. The parcel abuts, on the North, the former B & M Railroad Station now owned by the Town and abuts the Telephone Company property on the South. The owner of the parcel has indicated a desire to dispose of the property. Although the Telephone Company has expressed some interest in the property, it has indicated it has no special use in mind at this time. Acquisition by the Town will permit the Town to control the ultimate use of the property located in this congested area. Due to the absence of street frontage, intensive commercial use is not likely despite the central location.

Access for municipal parking, should that be the best use of the parcel, would be through the B & M parking lot or via a right-of-way from the Post Road. Although there are no specific plans at this time for the use of the parcel by the Town, it seems appropriate to acquire the land now for sale for long range planning of the area. Negotiations with the owner have not been concluded.

The Finance Committee recommends approval of the article, subject to a satisfactory price to the Town being established.

ARTICLE 13. - To see if the Town will authorize the Road Commissioners to acquire by purchase, eminent domain, gift, or otherwise, for drainage purposes the fee or any lesser interest in a vacant parcel of land on Dunster Avenue standing in the names of John A. and Helen T. Morin; Ward F. and Barbara J. Humphrey; Geza and Irene Kish; & Marion Burleigh Lever containing 10,080 Sq. ft. more or less shown on Plate No. 51B of the Town Atlas as well as on a plan on file with the Town Clerk entitled "PLAND OF PROPOSED DRAINAGE EASEMENT OVER DUNSTER AVENUE SEPTEMBER 8, 1972 SCALE 1"=40' WAYLAND ENGINEERING DEPARTMENT." and more fully described as follows:

Beginning at a point on the northerly sideline of East Plain Street at the property line between Morin and Dunster Avenue, thence;

Westerly, thirty one (31) feet more or less by the Northerly sideline of East Plain St. to land of Humphrey, thence;

Northerly, three hundred thirty seven and 5/10 (337.5) feet by land of Humphrey and the Town of Wayland to other land of the Town of Wayland, thence;

Easterly, thirty (30) feet by land of the Town of Wayland to land of Lever, thence;

Southerly, three hundred thirty four and 5/10 (334.5) feet by land of Lever, Kish, and Morin to the point of beginning.

together with any or all rights, title and interest of the owner or owners of the above-described premises in the streets and ways adjoining the same; to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from available funds, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; or take any action relative thereto.

RECOMMENDATION:

This article is inserted in the warrant by the Road Commissioners to see if the Town will acquire an easement over Dunster Avenue for the purpose of ameliorating a long-standing drainage problem in the neighborhood. The School Building Planning Committee will contribute the material necessary for the drain which will be installed over the easement. The Highway Department will do the actual construction work, including the outside installation of connecting storm drains to the four grantors of the easement. Although Dunster Avenue is a public way, it has not been accepted as a Town road; hence the easements are required.

The Finance Committee recommends approval of the article.

ARTICLE 14. - To see if the Town will vote to transfer from Excess and Deficiency or other available funds, the sum of $8,300.00 to be added to Pupil Transportation under Account number #611-3370 as specified in the Finance Committee Report of 1972, for the purpose of restoring pupil transportation in the area of Charena Farms, Davelin Road, Old Farm Road and Rolling Lane, as previously scheduled during the 1971-1972 school year, or take any other action relative thereto.

RECOMMENDATION:

This article is inserted in the warrant upon the petition of 135 citizens. Much of the background of this matter is contained in the Finance Committee comments under the prior article. The School Committee and the study committee have reviewed the matter with the

parents from the neighborhoods involved in this petition and have agreed, as to Charena Farms only, to provide busing for Kindergarten, and Grades 1 and 2 through April 1973. At that time the matter will be reviewed again by the School Committee. The School Department is able to supply this limited additional bus service to Charena Farms with bus equipment now owned by the Department due to the small number of students involved. Passage of the article and expansion of the service to other neighborhoods would cost the Town approximately $8,300 annually for an additional bus run. The Finance Committee believes the Town should be guided by School Committee policy in this administrative matter.

The Finance Committee does not recommend approval of the article.

ARTICLE 15. - To see if the Town will vote to appropriate a sum of money for the purpose of providing substantially the same transportation for students in kindergarten, Grade 1, Grade 2 and Grade 3 during the 1972-73 school year as had been provided during the 1971-72 school year.

RECOMMENDATION:

This article is inserted in the warrant upon the petition of 130 citizens. In late 1971 the School Committee appointed a group of citizens to review the busing routes throughout the Town and particularly in those areas which would be affected by the new sidewalks being proposed to the Town in the March 1972 Town Meeting. This study committee reviewed every bus stop on every street in town, spending hundreds of hours in the effort. The recommendations of this committee were adopted by the School Committee; the bus schedules and routes for this fall represent those recommendations. The new routes together with the new sidewalks permitted the elimination of four bus runs at an annual savings of $33,200. The 1972 School Budget as voted in the March 1972 Town Meeting recognized the elimination of those runs. Accordingly, the adoption of the article would require new expenditure by the Town of $33,200.

The Finance Committee believes that this administrative matter should best be handled by the School Committee, based upon the recommendations of its appointed study committee. The Finance Committee, therefore, does not recommend approval of the article.

ARTICLE 16. - To see if the Town will authorize the Selectmen with the approval of the Town Counsel as to form, to sell, convey, abandon or otherwise dispose of to the heirs of John D. Buckley or any of them either or both parcels of land on Cedar Crest Road orginally acquired for recreational purposes containing 12340 square feet more or less and shown as on Plate 43A of the Town Atlas as well as

as on a plan on file with the Town Clerk entitled "PLAN OF LAND IN WAYLAND, MASS. SHOWING PROPOSED LAND TRANSFERS OFF CEDAR CREST ROAD DEC. 14, 1971 SCALE 1"=50' WAYLAND ENGINEERING DEPARTMENT" and more fully described as follows:

Beginning at a point at the property line between Lot 847 owned by John Buckley and Parcel "A", 20.3 feet westerly of the westerly sideline of Cedar Crest Road, thence;

Westerly, eighty eight and 0/10 (88.0) feet, thence;

Northerly, sixty one and 00/100 (61.00) feet, thence;

Easterly, ninety two and 71/100 (92.71) feet, thence;

Southerly, eighty four and 9/10 (84.9) feet to the point of beginning.

Beginning at a point at the property line between Lot 855 owned by John Buckley and Parcel "B", 21.3 feet westerly of the westerly sideline of Cedar Crest Road, thence;

Southerly, eighty four and 9/10 (84.9) feet, thence;

Westerly, ninety two and 71/100 (92.71) feet, thence;

Northerly, sixty one and 00/100 (61.00) feet, thence;

Easterly, one hundred three and 2/10 (103.2) feet, to the point of beginning.

to specify the minimum amount to be paid therefor; or take any action relative thereto.

RECOMMENDATION:

This article provides for the sale of two adjoining parcels of land, Parcel "A" containing 6,000 square feet which would be sold to the family of an abutter, John C. Coady; and Parcel "B" containing 6,340 square feet to the family of an abutter on the other side, Barbara A. Buckley.

At the March Town Meeting the Town voted to acquire frontage from the two privately owned parcels to permit possible widening of the road, but did not pass the related motion calling for the sale of the Town owned land. Negotiations with the private owners have continued since, but have not been concluded at this time.

The Finance Committee recommends approval of the article, subject to the negotiation of a satisfactory sales price.

ARTICLE 17. - To see if the Town will authorize the Conservation Commission to acquire by purchase, eminent domain, gift, or otherwise, for conservation purposes, including outdoor recreation, the fee or any lesser interest in a vacant parcel of land without street frontage with the trees thereon standing in the name of Charles G. Plimpton, Jr. and Elizabeth J. Plimpton, containing about 32 acres, shown on Plates Nos. 5 and 8 of the Town Atlas as well as on a plan on file with the Town Clerk entitled "PLAN OF LAND

IN WAYLAND, MASS. SHOWING PROPOSED ACQUISITION OF PLIMPTON LAND FOR CONSERVATION PURPOSES, JULY 24, 1972, SCALE 1"=100' WAYLAND ENGINEERING DEPARTMENT" and more fully described as follows:

Beginning at the southeasterly corner of the parcel at a drill hole in the stone wall on the Wayland-Weston Town line, thence;
S85-11-04 W, ninety-seven and 69/100 (97.69) feet, thence;
S81-32-07 W, two hundred nine and 68/100 (209.68) feet, thence;
S81-47-40 W, twenty-nine (29) feet, thence;
Northerly, about twenty-five (25) rods, thence;
Westerly, about one hundred eight (108) feet, thence;
Southerly, about twenty-five (25) rods, thence;
S86-20-06 W, about two hundred twenty-four (224) feet, thence;
Northerly, about twenty-five (25) rods, thence;
Westerly, twelve and 5/10 (12.5) rods, thence;
Northerly, about three hundred twelve (312) feet, thence;
Northerly, four hundred eighty-five (485) feet, thence;
Westerly, about thirty-six (36) feet, thence;
Northerly, about eleven hundred thirty-one (1131) feet, thence;
S68-02-40 E, one hundred seventy-seven and 42/100 (177.42) feet, thence;
S73-48-20 E, ninety-eight and 0/100 (98.00) feet, thence;
S75-54-05 E, eleven and 68/100 (11.68) feet, thence;
Southerly, about five hundred seventy (570) feet by other land of said Plimpton, thence;
Easterly, four hundred ten and 0/10 (410.0) feet by said other land of Plimpton, thence;
S30-50-40 W, about five hundred nine (509) feet, thence;
S64-26-00 E, about nine hundred ten (910) feet, thence;
Southerly, about four hundred fifty (450) feet to the Wayland-Weston Town Line, thence;
Southerly, about three hundred ten (310) feet along said Town Line to the point of beginning:

to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from available funds, by borrowing under the provisions of Chapter 44 of the General Laws, or otherwise; or to take any action relative thereto.

RECOMMENDATION:

This and the following five articles have been inserted in the Warrant by the Conservation Commission. While each article has

its own story the background set forth below leading up to the insertion of these articles in the Warrant should be kept in mind in considering each of them.

Under Article 3 of the Special Town Meeting of March 13, 1972, held in the middle of the Annual Town Meeting, the Town voted to appropriate $500,000 to be raised by borrowing for the purpose of implementing the Conservation Master Plan by the purchase or protection of land so designated in the Master Plan. Pursuant to Article 19 of the 1972 Annual Town Meeting the Town thereupon voted to apply $171,400 of the $500,000 previously authorized for the purchase of approximately 86 acres on Pelham Island Road known as the Pelham Island Tract.

As indicated to the Town at the time of the 1972 Annual Town Meeting, the Conservation Commission has been carrying on discussions and negotiations with the owners of a number of other parcels of land, and since last March a number of negotiations have been completed. As a result, the Conservation Commission is now prepared to present to the Town several parcels of land for acquisition, four by purchase, one by purchase and gift and one by gift alone.

The estimated total purchase price for the first 5 parcels recommended for purchase at this Town Meeting is $328,500, excluding the cost of the 19 acre parcel described in Article 22. The situation with respect to these 19 acres is set forth in the Finance Committee's discussion under Article 22.

The Conservation Commission and the Finance Committee are aware that the combined amounts requested for the purchases at this Town Meeting represent a significant commitment of the borrowings previously voted by the Town for conservation purposes. However, it is felt that the Town has expressed a desire to move ahead with the implementation of the Conservation Master Plan and a variety of circumstances have caused a number of pieces of land to come on the market in a manner and at a price which would make their acquisition desirable from the point of view of the Town. Negotiations on some of the parcels have been in progress in one form or another ever since the Conservation Master Plan was completed in 1966. The results of the Special and Annual Town Meetings last March have served to make townspeople aware of the Town's desire to move forward with the implementation of the Plan and to persuade land owners that the Town is now both willing and able to implement the Master Plan by appropriating funds for that purpose.

The Conservation Commission will apply for reimbursement of 50% of the proposed purchase price of each of the parcels to be acquired by purchase. The Conservation Commission will have a more detailed story with respect to each of the parcels at the time of the Town Meeting.

The parcel of land to be acquired under this Article consists of 32 acres which were designated for acquisition on the Master Plan

and which have been offered for sale to the Town for conservation purposes by Mr. and Mrs. Plimpton, Jr. The land is located in the northeast corner of town, is generally low and swampy, and drains into the headwaters of Hazel Brook. On the south it abuts land of the Sudbury Valley Trustees and on the east the Weston Town Forest. The land is part of the green belt which the Conservation Commission Master Plan seeks to establish running the length of Town.

The sellers have agreed to a price established by the Town's appraisal of $500 per acre or $16,000.

The Finance Committee recommends approval of the article.

ARTICLE 18. - To see if the Town will authorize the Conservation Commission to acquire by purchase, eminent domain, gift or otherwise, for conservation purposes the fee or any lesser interest in a vacant parcel of land with the trees thereon on Claypit Hill Road standing in the name of Sudbury Valley Trustees Inc. containing 4.518 acres more or less shown as lots 7 and D on Plate No. 19 of the Town Atlas as well as on a plan on file with the Town Clerk entitled "PLAN OF LAND IN WAYLAND, MASS. OWNED BY WILLIAM & ALINE DAVIS HULBERT" dated December 3, 1971 by Everett M. Brooks Co., Civil Engineers and recorded with Middlesex South District Registry of Deeds in Book 12135 at page 593 and more fully described as follows:

Beginning at a concrete bound on the southerly sideline of Claypit Hill Road on the property line between Lot 6 and 7 , thence;

S01-00-00 W, seven hundred forty and 21/100 (740.21) feet by Lots 6, 5 and C shown on said plan, thence;

N89-55-00 W, seventy four and 07/100 (74.07) feet by land of Schmidt, thence;

N27-36-00 W, one hundred forty-three and 26/100 (143.26) feet by land of the Town of Wayland, thence;

N89-24-00 E, one hundred four and 80/100 (104.80) feet by said land of the Town of Wayland, thence;

Northwesterly, about five hundred thirty-four (534) feet by said land of the Town of Wayland, to the center line of the brook, thence;

Northeasterly, about four hundred sixty-nine (469) feet by a brook and said land of the Town of Wayland to the southerly sideline of Claypit Hill Road, thence;

Southeasterly, three hundred three and 6/100 (303.06) feet along Claypit Hill Road to the point of beginning;

together with any or all rights, title and interest of the owner or owners of the above-described premises in the

streets and ways adjoining the same; to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from available funds, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; or take any action relative thereto.

RECOMMENDATION:

For background on this article see the Finance Committee's comments under Article 17.

This article seeks to authorize the Conservation Commission to acquire by gift for conservation purposes a parcel of land on Claypit Hill Road consisting of about 4-1/2 acres. This land formerly belonged to Mr. and Mrs. William Hulbert, who made a partial gift of it to the Sudbury Valley Trustees in 1971 and a gift of the remaining portion to the Trustees in 1972. The gift was made with the understanding that the Trustees would re-convey the land to the Town when the gift was completed. The Trustees now wish to convey it to the Town for conservation purposes in accordance with the intention of Mr. and Mrs. Hulbert. The land abuts conservation land owned by the Town and constitutes a link in the green belt along Mill Brook. A current appraisal of the land obtained by the Conservation Commission indicates that the current fair market value of the land is $25,000 and thus acceptance of this article represents a gift to the Town of that amount.

The Finance Committee recommends approval of the article and wishes to express the appreciation of the Town to Mr. and Mrs. Hulbert for their very generous gift.

ARTICLE 19. - To see if the Town will authorize the Conservation Commission to acquire by purchase, eminent domain, gift, or otherwise, for conservation purposes including outdoor recreation, the fee or any lesser interest in a vacant parcel of land with the trees thereon without street frontage standing in the name of George H. Barrel and/or Alice A. Barrel containing 20 acres more or less shown on Plate Nos. 15 and 19 of the Town Atlas as well as on a plan on file with the Town Clerk entitled "PLAN OF LAND IN WAYLAND, MASS. SHOWING PROPOSED TRANSFER OF LAND FROM BARREL TO THE TOWN OF WAYLAND SEPTEMBER 12, 1972 SCALE 1"=100' WAYLAND ENGINEERING DEPARTMENT" and more fully described as follows:

Beginning at the northwesterly corner of the parcel by land of the Sudbury Valley Trustees, Inc. and other land of Barrel, thence;

N63-45-00 E, five hundred thirty nine and 00/100 (539.00) feet, by land of the Sudbury Valley Trustees, Inc. to land of Politt, thence;

N67-30-00 E, six hundred eighty eight and 00/100 (688.00) feet, by land of Politt, and the Sudbury Valley Trustees, Inc., thence;

N89-00-00 E, twenty eight and 00/100 (28.00) feet, by land of the Sudbury Valley Trustees Inc., to land of Brown, thence;

S00-15-00 W, two hundred four and 00/100 (204.00) feet, to land of Brown and Elder, thence;

S 2-30-00 W, two hundred eighty three and 00/100 (283.00) feet by land of Elder and Dunning, thence;

S42-30-00 W, one hundred twenty three and 00/100 (123.00) feet, by land of Dunning, thence;

S 4-30-00 W, three hundred twelve and 00/100 (312.00) feet by land of Dunning, Cummings, and Teich, thence;

S55-00-00 W, one hundred eighty seven and 00/100 (187.00) feet by land of MacNeil, thence;

S44-30-00 W, one hundred one and 00/100 (101.00) feet by land of MacNeil, thence;

S45-38-04 W, one hundred fifty and 44/100 (150.44) feet, by land of MacNeil, thence;

S56-53-53 W, one hundred twenty eight and 46/100 (128.46) feet, by land of Griggs, thence;

S86-49-33 W, one hundred thirty five and 00/100 (135.00) feet by land of Griggs, thence;

N70-09-11 W, one hundred thirty five and 12/100 (135.12) feet by other land of Barrel, thence;

N27-00-00 W, eight hundred twenty and 00/100 (820.00) feet, to the point of beginning;

to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from available funds, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; or take any action relative thereto.

RECOMMENDATION:

For background information on this article see the Finance Committee's comments under Article 17.

This article calls for the acquisition by the Town for conservation purposes of approximately 19 acres situated off Claypit Hill Road and Concord Road from Mr. and Mrs. George H. Barrel. The parcel in question abuts land owned by the Sudbury Valley Trustees and contains wooded upland, pasture land and the part of two brooks. The land constitutes an additional link in the green belt running the length of the Town.

The Conservation Commission has obtained a current appraisal which indicates that the fair market value of the land at the present time is $66,000. However, Mr. and Mrs. Barrel have generously offered to sell the land to the Town for $50,000, thereby making a gift to the Town of $16,000.

The Finance Committee (Mr. Strong abstaining) recommends approval of the article.

ARTICLE 20. - To see if the Town will authorize the Conservation Commission to acquire by purchase, eminent domain, gift, or otherwise, for conservation purposes including outdoor recreation, the fee or any lesser interest in a vacant parcel of land with the trees thereon on Old Sudbury Road standing in the name of Sudbury Valley Trustees, Inc. containing 16.09 acres more or less shown as Lots E and F on Plate Nos. 17 and 18 of the Town Atlas as well as on a plan on file with the Town Clerk entitled "REVISED PLAN OF LAND IN WAYLAND, MASS." dated June 2, 1939, Everett M. Brooks, Civil Eng., and recorded with Middlesex South District Registry of Deeds in Book 6303 at page 40 and more fully described as follows:

Beginning at a stone bound at the southeasterly corner of the parcel on the westerly sideline of Old Sudbury Road, thence;

Westerly, fourteen hundred twenty-five (1425) feet by land of Damon, thence;

Northerly, five hundred twenty-two and 8/10 (522.8) feet by land of Robie, Damon and Cutting, thence;

Easterly, one thousand three hundred two (1302) feet by land of Cutting, thence;

Southerly, about five hundred twenty (520) feet by said sideline of Old Sudbury Road to the point of beginning;

together with any or all rights, title and interest of the owner or owners of the above-described premises in the streets and ways adjoining the same; to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from available funds, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; or take any action relative thereto.

RECOMMENDATION:

For background on this article see the Finance Committee's comments under Article 17.

This article is inserted by the Conservation Commission to see if the Town will appropriate $37,500 for the purchase of approximately 16 acres of land located between the Sudbury River and Old Sudbury Road near the intersection of Glezen Lane and which is presently owned by the Sudbury Valley Trustees.

This parcel of land, which was designated for protection in the Conservation Master Plan, was purchased from Mr. and Mrs. Robert M. Morgan and Dr. and Mrs. James P. Burke by the Sudbury Valley Trustees in 1971 for the sum of $37,500. When the property came on the market at that time the Conservation Commission was unable to purchase the land but, feeling that the price was reasonable, requested that the Sudbury Valley Trustees buy the

land with the understanding that the Conservation Commission would request the Town to repurchase the land from the Trustees at a subsequent Town Meeting.

The procedure followed here by the Sudbury Valley Trustees and the Conservation Commission is the same as that followed in connection with the Pelham Island Tract which also was originally pruchased by the Sudbury Valley Trustees and then purchased from them by the Town subsequently at the 1972 Annual Town Meeting.

The Sudbury Valley Trustees have offered to sell this land to the Town at their cost of $37,500.

The Finance Committee recommends approval of the article.

ARTICLE 21. - To see if the Town will authorize the Conservation Commission to acquire by purchase, eminent domain, gift, or otherwise, for conservation purposes including outdoor recreation, the fee or any lesser interest in a vacant parcel of land with the trees thereon and the structures affixed thereto on Old Sudbury Road standing in the name of the Estate of Mabel E. Damon containing 19 acres more or less shown on Plate Nos. 17, 18 and 22 of the Town Atlas and more fully described as follows:

Beginning at a stone bound at the northeasterly corner of the parcel on the westerly sideline of Old Sudbury Road, thence;

Southerly, about five hundred seventy (570) feet by said sideline of Old Sudbury Road, thence;

Westerly, about fourteen hundred ninety (1490) feet by land of Stewart, thence;

Northerly, about five hundred seventy (570) feet by land of the United States of America, thence;

Easterly, fourteen hundred twenty-five (1425) feet by land of the Sudbury Valley Trustees, Inc., to the point of beginning;

together with any or all rights, title and interest of the owner or owners of the above-described premises in the streets and ways adjoining the same; to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from available funds, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; or take any action relative thereto.

RECOMMENDATION:

This article seeks authorization from the Town to purchase for conservation purposes a 19 acre parcel of land which is situated adjacent to the land which is the subject of the preceding Article. This land is presently owned by the Estate of Mabel Damon and the executors of that estate have agreed to sell for a price of $65,000, which is below the value in the appraisal already obtained by the Conservation Commission.

The Finance Committee recommends approval of the article.

ARTICLE 22. - To see if the Town will authorize the Conservation Commission to acquire by purchase, gift, or otherwise, or authorize the Selectmen upon written request of the Conservation Commission to acquire by eminent domain, for conservation purposes, including outdoor recreation, the fee or any lesser interest in a portion of a vacant parcel of land with the trees thereon on Glezen Lane standing in the name of Mary A. Piona, Trustee of Heidi S. Donaldson Trust containing 45 acres more or less shown on Plate Nos. 11 and 15 of the Town Atlas and more fully described as follows:

Beginning at the northeasterly corner of the parcel at a point on a stone wall by land of Casale, thence;

Southwesterly, one hundred fifteen and 0/10 (115.0) feet along said stone wall by said land of Casale, thence more;

Southerly, about one thousand ten (1010) feet by land of Casale, Hoyt, Jones, and Crowell, thence;

Southeasterly, about two hundred (200) feet by said land of Crowell, thence;

Southwesterly, about four hundred (400) feet by land of Pitts and of Furcolo to a stone wall, thence;

Southwesterly, about four hundred (400) feet along said stone wall by land of Furcolo and of Rice, thence;

Northwesterly, about one thousand six hundred fifty (1650) feet by land of Freeburn, Dickson, Dickson, and Ela, Whipple, and the Sudbury Valley Trustees, Inc., thence;

Northeasterly, about four hundred eighty (480) feet by land of Rodier, thence;

Northwesterly, about two hundred seventy (270) feet by said land of Rodier, thence;

Northeasterly, about six hundred ten (610) feet by said land of Rodier, thence;

Northwesterly, about three hundred eighty (380) feet along a stone wall by said land of Rodier to the southerly side line of Glezen Lane, thence;

Easterly, one hundred ninety and 0/10 (190.0) feet along said Glezen Lane, thence;

Southeasterly, four hundred forty and 0/10 (440.0) feet by other land of said Donaldson, the precise direction of this course being parallel to the stone wall mentioned in the 380-foot course by land of Rodier, thence;

Easterly, about five hundred ninety (590) feet by said other land of Donaldson to the point of beginning;

together with any or all rights, title, and interest of the

owner or owners of the parcel in the streets and ways adjoining the same; to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from available funds, by borrowing under the provisions of Chapter 44 of the General Laws, or otherwise; or to take any action relative thereto.

RECOMMENDATION:

Under this article the Conservation Commission seeks the Town's approval to acquire some or all of a parcel of land which has been the subject of considerable news and debate in Town since shortly after the Annual Town Meeting last March. The land in question consists of approximately 45 acres lying between the end of Three Ponds Road and Squirrel Hill Road on the southeast and extending to the intersection of Glezen Lane and Draper Road on the northwest corner.

The 45 acres which are the subject of this article are part of a larger parcel of approximately 58 acres which, up until recently, were owned by the Scholz family. Negotiations with Scholz family for the purchase of the land for conservation purposes were initiated many years ago by the Sudbury Valley Trusttees and, since the completion of the Conservation Master Plan, negotiations have been continued by the Town. Shortly after the Annual Town Meeting last March, Mrs. Scholz gave an option to Sweidler Building Company to purchase the entire 58 acre tract, 45 acres of which had been designated for acquisition by the Town in the Conservation Master Plan and which are the subject of this article. The land is presently owned by Heidi S. Donaldson, Mrs. Scholz's daughter.

After obtaining the option Sweidler Building Company approached the Planning Board to discuss preliminary questions relating to a subdivision of the land and it was at that time that the Conservation Commission began discussions with Sweidler Building Company to see if the Town might purchase the land from Sweidler Building Company. A number of meetings were held between various town officials, neighbors, abutters, and persons interested in conservation in Wayland,

As a result of these negotiations the Conservation Commission has reached an agreement with Sweidler Building Company under which the Town would purchase roughly 26 acres of the 45 acre parcel for a purchase price of $160,000. If this purchase is approved by the Town Meeting; the Conservation Commission then expects to make a motion under the article to acquire the balance, roughly 19 acres, from Sweidler Building Company by eminent domain. No agreement as to the price Sweidler Building Company would expect for the remaining 19 acres if it were taken by eminent domain has been determined. The Conservation Commission feels that the acquisition of both parcels is of major importance to the implementation of the Master Plan. Therefore, the Conservation

Commission has voted to ask the Town to acquire the entire 45 acres, 26 acres by purchase and 19 acres by eminent domain.

Related to this article is the acquisition of two small pieces of land described in Article 23 and the Finance Committee comments thereon.

A majority of the Selectmen and the Finance Committee do not favor the proposed motion to take the 19 acres in question by eminent domain because additional borrowing would be required. The Pelham Island Tract, previously approved, (Cost $171,400), and the 5 purchases proposed herein (Total Cost $328,500) encumber all but $100 of the $500,000 borrowing.

The Finance Committee recommends the proposed purchase of 26 acres at a price of $160,000 and does not recommend the taking by eminent domain of the remaining 19 acres.

ARTICLE 23. - To see if the Town will vote to acquire by gift, purchase, eminent domain, or otherwise, for highway purposes, the fee or any lesser interest in two vacant parcels of land with the trees thereon at the ends of Three Ponds Road and Squirrel Hill Road, respectively containing 2,585 and 10,250 square feet, more or less, and now standing in the names of Brenton H. Dickson 3rd, Edward M. Dickson, and Roger Ela as tenants in common, and William A. and Mary Irene Ragan and Frank L. and Anne Elizabeth Iber, shown on Plate No. 15 of the Town Atlas as well as on a plan on file with the Town Clerk entitled, "PLAN OF LAND IN WAYLAND, MASS., SHOWING LAND AT ENDS OF THREE PONDS ROAD AND SQUIRREL HILL ROAD, AUGUST 28, 1972, SCALE 1"=50' , WAYLAND ENGINEERING DEPARTMENT" and more particularly described as follows:

<u>Land at end of Three Ponds Road</u>

Beginning at a point at the northerly corner of Lot 26 at land formerly of Frank Scholz now of Heidi S. Donaldson Trust 51.51 feet at N27-48-32 W of a drill hole on the easterly property line of Lot 26, thence;

Southwesterly, fifty nine and 77/100 (59.77) feet along a curve to the right having a radius of 424.56 feet, thence;

Northwesterly, fifty two (52) feet more or less along a curve to the right having a radius of 50 feet to the southerly property line of Lot 25, thence;

Northeasterly, fifty nine and 35/100 (59.35) feet along a curve to the left having a radius of 374.56 feet to the land of Heidi S. Donaldson Trust, thence;

S27-48-32 E, fifty one and 05/100 (51.05) feet to the point of beginning;

Land at end of Squirrel Hill Road

Beginning at a point at the northwesterly corner of Lot 46 at land formerly of Frank Scholz now of Heidi S. Donaldson Trust 39.14 feet at S42-13-20 W, of a drill hole on the northerly property line of Lot 46, thence;

S01-02-50 W, two hundred thirty three and 76/100 (233.76) feet, thence;

N88-57-10 W, fifty and 00/100 (50.00) feet to the easterly property line of Lot 52, thence;

N01-02-50 E, one hundred seventy six and 60/100 (176.60) feet, thence;

N42-13-20 E, seventy five and 94/100 (75.94) feet to the point of beginning;

together with any and all rights, title, and interest of the owner or owners of the above-described premises in the streets and ways adjoining the same; to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from available funds, by borrowing under the provisions of Chapter 44 of the General Laws, or otherwise; and to determine what Town officer, board, commission, committee, or combination of them shall be authorized to acquire the aforesaid property and to expend the money so appropriated; or take any action relative thereto.

RECOMMENDATION:

This Article was inserted in the Warrant by the Planning Board to see if the Town will authorize the acquisition of two parcels of land, commonly referred to as "plugs", one being at the end of Three Ponds Road and the other at the end of Squirrel Hill Road.

When these two roads were laid out the proposed roads went to the end of the development and terminated at the boundary line of the land proposed for acquisition from Mrs. Donaldson under Article 22 of the Warrant. When the roads were actually constructed, the pavement stopped short of the end of the right-of-way. When the roads were accepted as town ways, the land in the right-of-way which had not been paved did not, as a technical matter, become town property and the title remained in the present owners, Brenton H. Dickson, Edward M. Dickson and Roger Ela, in the case of the land at the end of Three Ponds Road; and title is today with William A. and Mary Irene Ragan and Frank L. & Anne Elizabeth Iber in the case of the land at the end of Squirrel Hill Road.

If only 26 acres of land is acquired by vote of the Town under Article 22, Sweidler Building Company has indicated that it will file a subdivision plan with the Planning Board calling for extension of these two roads until they meet, thus creating a

TOWN OF WAYLAND
CONSERVATION COMMISSION

LAND-ACQUISITION PROPOSALS FOR THE SPECIAL TOWN MEETING, OCTOBER 1972

ARTICLE	OWNER OF PARCEL	AREA, ACRES	PRICE, DOLLARS	COMMENTS
17	Mr. & Mrs. C.Plimpton	32	16,000	Swampy woods in northeast corner of Wayland. Access from SVT (Sudbury Valley Trustees) land and/or Weston's Ogilvie Town Forest. A vital link in the Wayland/Weston/Lincoln green belt. Important for water storage.
18	SVT. Acquired from Wm. Hulbert on request of Cons. Commission	4.5	Gift	Valuable land. An important link in the Mill-Brook Green Belt. Abuts Claypit Hill Road, Mill Brook, and the Conservation Commission's Cooper Tract.
19	Mr. & Mrs. G. Barrel	20	50,000	Back land north of Claypit Hill Road. A most important link in the Mill-Brook Green Belt. Abuts SVT land (EMMA). Varied topography: upland, wetland, brooks, woods, meadow, existing trails much used. A partial gift.
20	SVT. Acquired from R. Morgan and J.Burke on request of Cons.Comm.	16.1	37,500	Open fields between Old Sudbury Road and the river meadows. The second inland colonial settlement (Sudbury) in Massachusetts established here about 1640.
21	Estate of Mabel Damon	19	65,000	Adjoins the Burke-Morgan fields and two similar parcels on the Master Plan. Higher price reflects possibility of seven house lots compared to only four.
22	Mrs. A.Donaldson, but Swiedler Building Co. has option. Usually called "Scholz Land"	26/45	160,000 or more	Headwaters of Mill Brook, southwest of intersection of Glezen Lane and Draper Road. Varied topography: mostly wooded upland; ponds, brooks, some swamp, some open meadow. The largest single component of the Mill-Brook Green Belt. Owner has agreed to sell 26 acres at $160,000, but is unwilling to sell more. The article is worded to provide an opportunity for the Town Meeting to authorize purchase of the entire 45 acres on the Master Plan by eminent domain. This would still leave 13 acres of Scholz land, not on the Plan, for residential use.

FINANCING - All but the eminent domain proposal will be purchased from the funds to be borrowed under the authorization voted at the Special Town Meeting in March 1972. The eminent domain proposal will include a request for further bonding authorization.

COST - Using data in the report of the Conservation Capital Planning Committee, expenditure of one million dollars for conservation land will produce an increase of $1.20 in the tax rate for twenty years. This assumes fifty percent reimbursement, five percent interest rate on the bonds, and no increase in the tax base over the twenty-year period.

through street. The Planning Board, in discussing with Sweidler Building Company its proposed subdivision of the land, concurs in this road layout and therefore has asked the Town to take the two plugs for highway purposes.

The Town has been in negotiation with the owners of the land at the end of Three Ponds Road but has not yet had discussions with the owners of the land at the end of Squirrel Hill Road. No purchase price has been agreed upon for either parcel and present indications are that the owners may ask a price which is in excess of what the Town feels is fair value for this land, which was originally dedicated to highway purposes with the creation of the original subdivision. The land has no other use except as an extension of the respective roads and it is the view of the Selectmen and Road Commissioners that both parcels have a nominal value at the present time.

It is important for the Town to acquire these interests for a nominal value if the Town acquires only the 26 acres for conservation purposes under Article 22. The purchase price which has been agreed upon with Sweidler Building Company of $160,000, is contingent on the availability for highway purposes of the plugs at no cost to the company.

The Finance Committee recommends approval of the article.

ARTICLE 24. - To see if the Town will authorize the Park & Recreation Commissioners to acquire by purchase, eminent domain, gift, or otherwise, for recreation & cemetery purposes the fee or any lesser interest in a vacant parcel of land with the trees thereon on Old Sudbury Road standing in the name of Mabel Damon containing 3.97 acres more or less shown on Plate No. 18 of the Town Atlas as well as on a plan on file with the Town Clerk entitled "PLAN OF LAND IN WAYLAND, MASS. SHOWING PROPOSED TRANSFER OF LAND TO THE TOWN OF WAYLAND JULY 20, 1972 SCALE 1"=100' WAYLAND ENGINEERING DEPARTMENT" and more fully described as follows:

Beginning at a point on the easterly sideline of Old Sudbury Road at the intersection of the property line between the Estate of Mabel Damon and the Town of Wayland, thence;

N15-45-57 W, ten and 00/100 (10.00) feet by said easterly sideline of Old Sudbury Road, thence;

N71-12-00 E, one hundred seventy and 15/100 (170.15) feet, thence;

N76-12-42 E, forty nine and 93/100 (49.93) feet, thence;

N84-14-51 E, nine and 00/100 (9.00) feet, thence;

N16-44-13 W, three hundred eighty and 08/100 (380.08) feet, thence;

N73-15-47 E, two hundred sixty seven and 99/100 (267.99) feet, thence;

S66-55-49 E, two hundred forty five and 73/100 (245.73) feet, thence;
S28-50-15 E, two hundred thirteen and 94/100 (213.94) feet, thence;
S65-06-53 W, three hundred sixty two and 76/100 (362.76) feet, thence;
S84-14-51 W, one hundred fifty five and 44/100 (155.44) feet, thence;
S76-12-42 W, forty eight and 71/100 (48.71) feet, thence;
S71-12-00 W, one hundred seventy and 30/100 (170.30) feet to the point of beginning;

together with any or all rights, title and interest of the owner or owners of the above-described premises in the streets and ways adjoining the same; to determine whether the Town will appropriate money therefor, to be provided by taxation, by appropriation from available funds, by borrowing under the provisions of Chapter 44 of the General Laws or otherwise; or take any action relative thereto.

RECOMMENDATION:

This article was submitted by the Park and Recreation Commission and would authorize the purchase of 3.97 acres of land abutting the North Cemetery from the estate of Mabel Damon. The acquisition would permit the widening of the narrow entrance road at some future date as well as provide an area for future cemetery use. The present unused portion of the cemetery will be full in 15 years or less. The proposed acquisition is the only abutting property fully suitable for cemetery purposes. Negotiations with the seller are not concluded.

The Finance Committee recommends approval of the article subject to a price acceptable to the Town.

ARTICLE 25. - To see if the Town will authorize the Selectmen with the approval of the Town Counsel as to form, to sell, convey, abandon or otherwise dispose of to Richard B. Jeffrey and Jean W. Jeffrey a vacant parcel of land abutting their southerly sideline on Hawthorne Road extension containing 4736 square feet more or less and shown on Plate 46B of the Town Atlas as well as on a plan on file with the Town Clerk entitled "PLAN OF LAND IN WAYLAND, MASS. SHOWING PROPOSED TRANSFER OF LAND TO RICHARD B. AND JEAN W. JEFFREY AUGUST 18, 1972 SCALE 1"= 20' WAYLAND ENGINEERING DEPARTMENT" and more fully described as follows:

Beginning at a point on the easterly sideline of Hawthorne Road at land of Jeffrey, thence;
Southwesterly, sixty-four and 51/100 (64.51) feet

along a curve to the right having a radius of forty-four (44) feet, thence;

S84-00-00 W, sixty-seven and 40/100 (67.40) feet to other land of the Town of Wayland, thence;

N 3-39-30 E, fifty-seven and 50/100 (57.50) feet to end of Jeffrey, thence;

S86-20-30 E, one hundred three and 04/100 (103.04) feet to the point of beginning;

to specify the minimum amount to be paid therefor; or take any action relative thereto.

RECOMMENDATION:

This article calls for the sale of 4,736 square feet of Town land fronting on Hawthorne Road Extension to the only private abutter. The Town took 2,102 square feet of land from the Jeffreys to permit the widening of Hawthorne Road and it seems desirable now to sell this adjoining parcel to them to permit the enlargement of their lot.

The Finance Committee recommends approval of the article subject to a sales price satisfactory to the Town.

ARTICLE 26. - To see if the Town will authorize the Selectmen with the approval of the Town Counsel as to form, to sell, convey, abandon or otherwise dispose of to Francis X. O'Neil and Paula O'Neil a vacant parcel of land on Shawmut Avenue containing 700 square feet more or less as shown as on Plate 51C of the Town Atlas as well as on a plan on file with the Town Clerk entitled "PLAN OF LAND IN WAYLAND, MASS. SHOWING PROPOSED TRANSFER OF LAND TO FRANCIS X. AND PAULA O'NEIL August 22, 1972 SCALE 1"=20' WAYLAND ENGINEERING DEPARTMENT" and more fully described as follows:

Beginning at a point on the Northerly sideline of Shawmut Avenue at the property line between land of the Town of Wayland and land of Francis X. and Paula O'Neil, thence;

Northerly, one hundred fourteen and 34/100 (114.34) feet, thence;

Easterly, two and 50/100 (2.50) feet, thence;

Southerly, one hundred fourteen and 50/100 (114.50) feet, to said northerly sideline of Shawmut Avenue, thence;

S89-53-20 W, nine and 43/100 (9.43) feet along said northerly sideline to the point of beginning;

to specify the minimum amount to be paid therefor; or take any action relative thereto.

RECOMMENDATION:

This article was submitted by the Selectmen and calls for the sale of a small sliver of land about 9 feet wide and containing 700 square feet. A recent survey of theO'Neil's revealed that parts of their driveway and boundary fence were located on Town land comprising part of the Cochituate School site. Due to the location of the O'Neil's home, it is not practical to move the driveway.

The Finance Committee recommends approval of the article, subject to the determination of a satisfactory sales price.

ARTICLE 27. - To see if the Town will amend its By-Laws by deleting the following Article in its entirety:

"ARTICLE 7. PENALTY FOR VIOLATION.

Section 1. Whoever violates any of the provisions of the By-Laws of the Town shall be punished by a fine of not more than twenty dollars for each offense, unless there is express provision for other penalty."

and by inserting the following new Article:

"ARTICLE 20. PENALTY.

Whoever shall breach or violate any provision of these By-Laws, the Zoning By-Laws, the Building Code, the Electrical Code and/or any of the Rules and Regulations duly adopted by any board, committee or commission of the Town of Wayland as the same may have been amended from time to time, shall be punished by a fine of not exceeding fifty dollars for each offense or for each day of a continued offense, in the absence of an express provision for another penalty."

RECOMMENDATION:

This article was inserted by the Selectmen. It would permit an increase in the fine which a court might impose for violation of the By-Laws of the Town, in line with an amendment to the State's enabling legislation, Mass. General Laws Chapter 40, Section 21. Under both that statute and the proposed article, a fine could be up to $50, at the judge's discretion.

In addition, clarifying language has been added to the by-law, especially to embrace the Rules and Regulations for use of lands and waters owned or controlled by the Town. The Rules and Regulations adopted by the Selectmen are printed in an appendix to this Warrant.

The Finance Committee recommends approval of the article.

ARTICLE 28. - To see if the Town will vote to amend its By-Laws, from time to time adopted, by changing particular articles as follows:

A. By deleting the following section in its entirety from ARTICLE 6, entitled "POLICE REGULATIONS":

"Section 6. Whoever destroys, defaces or removes any notice or document posted pursuant to law, shall be punishable by a fine not exceeding twenty dollars for each offense."

and by substituting therefor the following new Section 6:

"Section 6. No person shall destroy, deface, or remove any notice or document posted pursuant to law."

B. By deleting the language underlined below from the paragraph designated Section 6 (as amended by vote under Article 5, November 18, 1964 Special Town Meeting) from ARTICLE 6, entitled "POLICE REGULATIONS":

Section 6. No person shall enter upon the premises of any person with the intention of peeping into a dwelling or spying upon any person therein, and each offense shall be punishable by a fine not to exceed twenty dollars ($20.00). Nothing in this section shall be construed to limit a police officer in the performing of his legal duties.

and by renumbering said paragraph as "Section 7".

C. By deleting the following section from ARTICLE 15, entitled "OPERATION OF MOTOR BOATS ON THE SUDBURY RIVER":

"Section 3. Any person violating any provision of this By-Law shall be subject to a fine not exceeding twenty dollars for each offense".

and by renumbering the following "Section 4" to be "Section 3"; or take any action relative thereto.

RECOMMENDATION:

This article was inserted by the Selectmen in order to trim three redundancies from the By-Laws of the Town. All three instances concern By-Laws which individually specify penalties, though there is a general penalty provision elsewhere. No change of substance is involved here.

Under part B of this article a correction is also sought. There apparently are two Section 6's under the so-called Police

Regulations by-law; the more recently adopted one would be renumbered as Section 7.

The Finance Committee recommends approval of the article.

ARTICLE 29. - To see if the Town will vote to accept any or all of the property described below which has been tendered to it as a gift, bequest, devise or otherwise; or take any action relative thereto.

RECOMMENDATION:

This is the regular article by which the Town accepts gifts or conveyances. The Town Counsel will make recommendations at the time of the meeting.

The Finance Committee proposes that the Town be guided by his recommendations.

And you are required to serve this Warrant by posting copies thereof, attested by you, at the Town Office Building, at the Cochituate Town Building, and at each Library in Town, seven days, at least, before the time of holding said meeting.

Hereof, fail not and make due return of this Warrant with your doings thereon to the Town Clerk on or before October 11, 1972.

Given under our hands and seal this fourteenth day of September in the year our Lord one thousand nine hundred and seventy two.

HERBERT N. ODELL, JR.
CATHERINE W. SEILER
L. THOMAS LINDEN
JOHN R. McENROY
JOHN B. WILSON
Selectmen of the Town of Wayland

BRUCE F. KINGSBURY
DAVID E. LEITH
MARK S. MORDECAI
JONATHAN STRONG
ROBERT S. SWAIN, JR.
KENNETH J. TAUER
WALTER H. WILCOX
Finance Committee

A true copy. Attest

.....

Constable of Wayland.

RULES AND REGULATIONS
GOVERNING THE USE OF LANDS AND WATERS
OWNED BY THE TOWN OF WAYLAND
OR UNDER THE CONTROL OF ANY OF ITS
BOARDS, COMMISSIONS, OR COMMITTEES

I. The following activities are permitted:
   1. Walking; nature study; observation of plants, birds, or animals; and quiet enjoyment of the out-of-doors.
   2. Fishing.
   3. Ice-skating.
   4. Boating in small non-motor craft.

II. The following activities are permitted only in specifically assigned areas and prohibited elsewhere:
   1. Bicycling and horseback riding on paths and trails maintained for such purposes.
   2. Occasional picnicking by small groups. This includes "cooking out" under controlled circumstances.
   3. Swimming.
   4. Camping.
   5. Entering with or using any motor-driven vehicle or boat.
   6. Hunting.
   7. Carrying or using an uncased firearm.

III. The following activities are prohibited:
   1. Littering; dumping or disposing of fill or trash.
   2. Disseminating any pollutant.
   3. Trapping.
   4. Using such lands or waters between the hours of 11:00 P.M. and 4:00 A.M. (But see II, 4.)
   5. Damaging or removing plants or animals. (But see I, 2 and II, 6.)
   6. Introducing or fostering entry of plants or animals.
   7. Igniting a fire. (But see II, 2.)
   8. Moving soil or other materials.

IV. Exceptions and qualifications:
   1. In landscaped areas and nature preserves, all users should keep in mind that even foot traffic is destructive, and excessive or repeated traffic off established paths and trails will cause serious damage.
   2. All permitted activites remain subject to any

other applicable laws and By-Laws.

3. The prohibitions set out above do not apply:
   A. To employees of governmental agencies in emergency, statutory, or specifically authorized performance of their duties;
   B. To participants in activities which are part of official programs established by the cognizant Board, Commission, or Committee;
   C. To people engaged in work-projects specifically approved by the cognizant Board, Commission, or Committee;
   D. When a special permit for a specific use has been granted by the cognizant Board, Commission, or Committee.

V. With respect to all or particular lands and waters over which it has jurisdiction, a Board, Commission, or Committee may specifically modify these Rules and Regulations, and/or impose additional Rules and Regulations, as it may deem appropriate for:
   A. The maintenance, preservation, and protection of said lands and waters; or
   B. The health, safety, or welfare of users of such lands and waters, abutters thereto, or other townspeople.

   The procedure by which a cognizant Board, Commission, or Committee may modify or amend these Rules and Regulations shall be as follows:
   1. The proposed modifications and additions shall be published once a week for two successive weeks in a local newspaper.
   2. A public hearing shall be held at an appropriate time and place within the Town no more than 14 days and no fewer than 7 days from the second publication.
   3. Action shall be taken by a recorded vote of the Board, Commission, or Committee within 30 days of the public hearing.
   4. Such modifications and additions as may be adopted shall then become effective upon being filed at the office of the Town Clerk, with a copy provided also to the Police Department. The modifications or additions shall thereupon be appended to these Rules and Regulations.

Adopted by Board of Selectmen at a meeting May 1, 1972 after published notice and hearing.

"COMMITTEE" MOTIONS

If compulsion to move for the appointment of a committee is felt during the Town Meeting, the following points should be covered in the motion:

1. What is the scope of the committee's purpose.
2. Who, if not the moving party, is to name the committee members, i.e., which Town official or body.
3. Where these members are to be selected from, i.e., what governmental and non-governmental groups are to be represented, and how many members shall be "at large."
4. How soon and often is the committee to meet, keeping in mind the practicalities of the situation.
5. When and how the committee is to report on its progress and conclusions.
6. Whether the committee shall terminate at a certain stated date, be subject to renewal by a named authority, or continue indefinitely.

It will ease the burden on Town officials, and offer many citizens an opportunity to serve their community, if motions are phrased to call for representatives <u>designated</u> by given boards, rather than requiring that the committee be <u>chosen from</u> those boards. In this way, a board will have the option of selecting one of its members to serve directly, or appointing an interested and less obligated citizen to provide the liaison.

TOWN OF WAYLAND
Board of Selectmen
38 COCHITUATE ROAD
WAYLAND, MASS. 01778

Bulk Rate
U. S. Postage
PAID
Permit No. 16
Wayland, Mass.

A TRUE COPY,
ATTEST:
Constable of Wayland.
Selectmen Town